

#### **401 KAR 5:015. Releases to be reported to the division.**

RELATES TO: KRS Chapter 224

STATUTORY AUTHORITY: KRS 224.1-400, 224.10-100

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.1-400 requires any person who possesses or controls pollutants or contaminants to immediately report certain releases of pollutants or contaminants into the environment to the cabinet. KRS 224.10-100 requires the cabinet to provide for the prevention, abatement, and control of water pollution. This administrative regulation establishes that releases of pollutants or contaminants that could result in or contribute to pollution of the waters of the Commonwealth from any source other than a KPDES-permitted facility, shall be reported to the division. This administrative regulation establishes reporting timeframes and mechanisms that enable the division to determine what action is necessary to protect public safety and mitigate or reduce the effect of the release.

Section 1. Any person having knowledge in advance of the necessity to release a "pollutant or contaminant", as defined by KRS 224.1-400, which could result in or contribute to pollution of the waters of the Commonwealth, shall notify the Division of Water before the release is commenced. Notification shall be given as far in advance as possible.

Section 2. Emergency Reports. If by reason of emergency or accident a release of "pollutants or contaminants", as defined by KRS 224.1-400, is threatened or occurs, which could result in or contribute to the pollution of the waters of the Commonwealth and that could present an imminent or substantial danger to public health or welfare, the person possessing or controlling the pollutant or contaminant shall, as soon as the person has knowledge of any release of a pollutant or contaminant from a site to the environment, immediately notify the division by calling the cabinet's twenty-four (24) hour environmental emergency telephone number at (800) 928-2380.

Section 3. (1) Any person notifying the division pursuant to Section 1 or 2 of this administrative regulation shall report:

- (a) The point of release;
- (b) The nature of the material released;
- (c) The quantity of the material released or the estimated quantity if not known;
- (d) The date, time, and duration of the release; and
- (e) An assessment of probable environmental impact.

(2) If notification is not initially made in writing, it shall be confirmed by written notification within ten (10) days if requested by the division director or the division director's appointed representative. For each release or threatened release, the report shall identify the:

- (a) Precise location;

(b) Name, address, and phone number of the person or persons who:

1. Possesses or controls the contaminant or pollutant;
2. Has actual knowledge of the facts; and
3. Can be contacted for additional information;

(c) Specific pollutant or contaminant or hazardous substance;

(d) Concentration and quantity of the pollutant or contaminant or hazardous substance;

(e) Circumstances and cause;

(f) Efforts taken to mitigate or control;

(g) To the extent known, potential harmful effects;

(h) Transportation characteristics of the medium or matrix into which the contaminant or pollutant was released or threatened to be released;

(i) Present or proposed remedial action by the person at the site; and

(j) Additional information that could facilitate remediation of the site.

Section 4. A person failing to report as required by Sections 1 through 3 of this administrative regulation shall be subject to the penalties provided by KRS 224.99-010. (WP-3; 1 Ky.R. 761; 1382; eff. 7-2-1975; TAm eff. 6-6-2008; 44 Ky.R. 2602; 45 Ky.R. 2602; eff. 11-1-2018.)